

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WILLIE MACK YOUNG,</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>No. 16-6406</b>
	:	
<b>ROBERT GILMORE,</b>	:	
<b>Respondent.</b>	:	
	:	

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of November, 2017, upon consideration of the Petition for Writ of Habeas Corpus (Doc. No. 1), the Respondent's Response (Doc. No. 7), Petitioner's Motion for Appointment of Counsel (Doc. No. 4), the Report and Recommendation of Chief United States Magistrate Judge Linda K. Caracappa (Doc. No. 9), Petitioner's Declaration (Doc. No. 12), Petitioner's Motion for Leave to File an Amended Caption (Doc. No. 13), and the state court record, it is **ORDERED** that:

1. Petitioner's Motion for Leave to File an Amended Caption (Doc. No. 13) is **GRANTED** and Petitioner's Declaration (Doc. No. 12) shall be re-captioned as an "Answer";
2. The Report and Recommendation is **APPROVED** and **ADOPTED** as modified by the Memorandum Opinion accompanying this Order;
3. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and there is no probable cause to issue a certificate of appealability;
4. Petitioner's Motion for Appointment of Counsel (Doc. No. 4) is **DENIED**;

5. Petitioner's supplemental Application for Writ of Habeas Corpus (Doc. No. 14) is **DISMISSED** as **MOOT**;<sup>1</sup> and
6. The Clerk of Court shall mark this case **CLOSED**.

**BY THE COURT:**

**/s/ Mitchell S. Goldberg**

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**Mitchell S. Goldberg, J.**

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<sup>1</sup> On October 16, 2017, Petitioner filed a new "Application for a Writ of Habeas Corpus on Behalf of a Person in Custody Pursuant to the Judgment of a State Court," purportedly seeking to add a habeas claim alleging "Plain Error Fed. R. Evid. Rule 103(d)." As Petitioner's original habeas petition is untimely, any efforts to amend that petition and add new claims are likewise untimely and must be dismissed as moot.